

REMARKS

The following remarks are intended to be fully responsive to the Office Action mailed November 2, 2004. If any aspect of this response is deemed deficient, the Examiner is invited to contact the Applicant's representative.

INTERVIEW

A telephonic interview was conducted with Examiner Vinh on December 15, 2004. During the interview the Applicant and Examiner discussed claim 1 and the Wada et al. reference. The Examiner stated that Wada et al. discloses a rounded mask which he asserted reads on the claim 1 limitation of a rounded surface "on" the device. The Applicant suggested changing the limitation so that it claims the rounding of a surface of the device, and the Examiner agreed that Wada et al. does not disclose this. The Applicant thanks the Examiner for the interview.

WITHDRAWN CLAIMS:

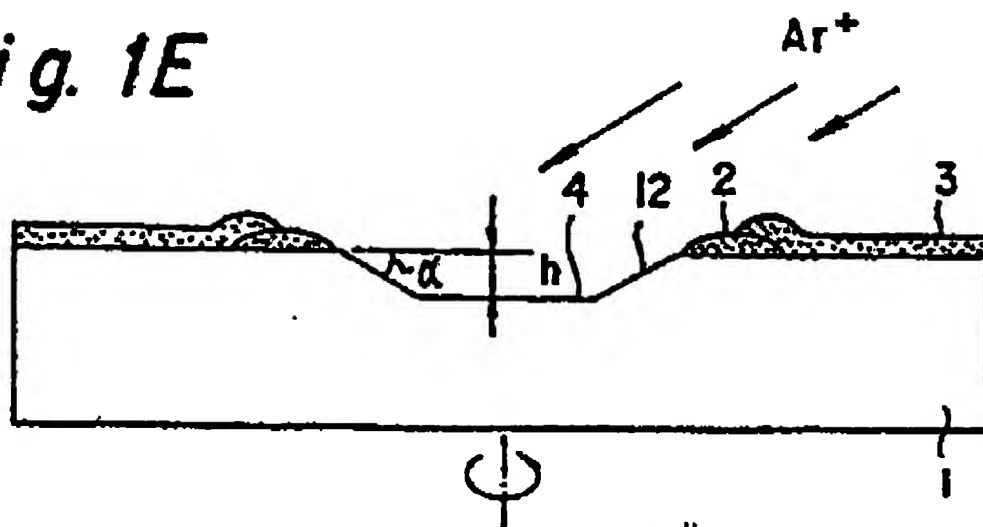
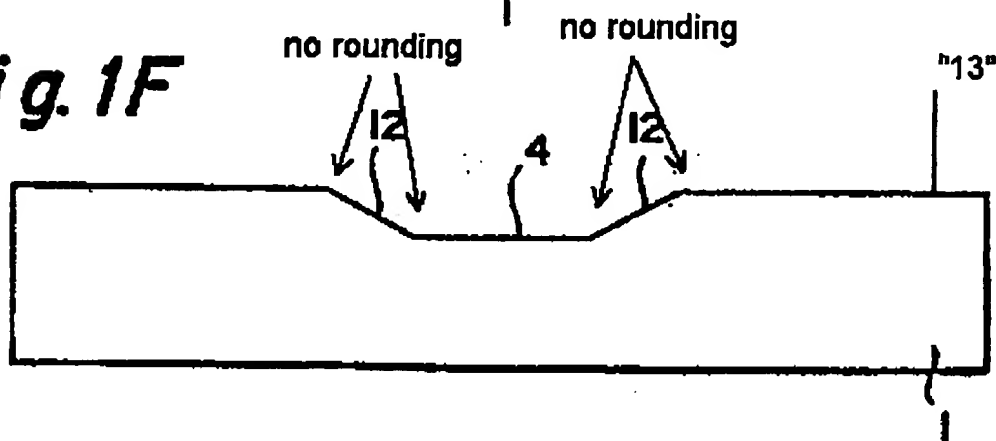
If the Examiner allows the pending claims, the Applicant respectfully requests that withdrawn claims 10-13 and 16-17 be reinstated because they are believed to be generic to claim 1. A notice to that effect is respectfully requested.

102 REJECTIONS

Claims 1-3, 5, 14-15, and 18-19 are rejected under 35 U.S.C. 102, as being anticipated by Wada et al. (USP 5,001,080). The Applicant respectfully traverses.

The present invention is related to, but not limited to, MEMS-type devices. As described in the background section of the present invention, prior devices have had issues of chipping or breaking, which the present invention seeks to cure. This problem is cured by the process in Claim 1, which recites, among other limitations, etching a pattern into a surface of the device to form "at least one sidewall and a rounded edge between the surface of the device and one of the sidewalls in the pattern." The Office Action alleges that Fig. 1E (and description in Col. 3, lns. 35-40) disclose this limitation.

Wada et al. discloses a method to produce a semiconductor device with optical elements "formed on a nearly flat single surface." (Col. 1, lns 50-55) Wada et al. further teaches that to cure disadvantages of the prior art Wada et al. proposes "forming a wiring layer connecting the optical semiconductor element and the electronic semiconductor element on the gentle slope." (Col. 2, lns 1-5) This is shown in marked up Figs. 1E and 1F of Wada et al.:

Fig. 1E*Fig. 1F*

Wada et al. does not disclose, teach or suggest forming a rounded edge between a surface and a sidewall on a surface of the device, as recited in claim 1 of the present invention. As shown in the marked up version of Fig. 1F, Wada et al. does not shown this rounded edge feature. Assuming for argument that "13" or even "4" is a surface, and that "12" is a sidewall, Wada still does not show in Fig. 1F (nor does it teach or suggest in the detailed description) that any of those edges be rounded. Further, in Fig. 1E, Wada does show photoresist layers 2 and 3, wherein resist layers 2 and 3 are somewhat rounded. This rounded feature is provided in order to get a smooth slope 12 (See Col. 3, lns 24 and 25), which is not recited in claim 1. Claim 1, again, recites "positioning a mask" and forming a rounded feature in a surface of a device (it does not recite rounding a mask). Based on the foregoing, it is respectfully requested that the rejection to

claim 1 be withdrawn because it has been shown that Wada et al. does not disclose every limitation in claim 1 and therefore cannot anticipate claim 1. A notice to that effect is respectfully requested.

Claims 2-3, 5, 14-15, and 18-19 depend from independent claim 1 and, as described above, define further features and structure of the device. Accordingly, these claims are patentable for the reasons noted above with respect to claim 1 as well for the additional features recited therein. Therefore, notice to the effect that dependent claims 2-3, 5, 14-15, and 18-19 are in a condition for allowance is respectfully requested.

CLAIM REJECTIONS (103)

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. in view of Celler et al (USP 4581814). Also, claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. in view of Peterson et al (USP 6335224). Claims 6-9, and 21 (claim 20 has been cancelled) depend from independent claim 1 and, as described above, define further features and structure of the device. Accordingly, these claims are patentable for the reasons noted above with respect to claim 1 as well for the additional features recited therein. Therefore, notice to the effect that dependent claims 6-9, and 20-21 are in a condition for allowance is respectfully requested.

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CERTIFICATION UNDER 37 C.F.R. 1.8

Date of transmission: 3 January 2005

I hereby certify that this paper is being transmitted via Express Mail to the U.S. Patent and Trademark Office on the date shown above.

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